

103D CONGRESS
1ST SESSION

H. R. 334

AN ACT

To provide for the recognition of the Lumbee Tribe
of Cheraw Indians of North Carolina, and for
other purposes.

H. R. 334

AN ACT

To provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lumbee Recognition
5 Act”.

6 **SEC. 2. PREAMBLE.**

7 The preamble to the Act of June 7, 1956 (70 Stat.
8 254), is amended—

9 (1) by striking out “and” at the end of each of
10 the first three clauses;

11 (2) by striking out “: Now therefore,” at the
12 end of the last clause and inserting in lieu thereof
13 a semicolon; and

14 (3) by adding at the end thereof the following
15 new clauses:

“Whereas the Lumbee Indians of Robeson and adjoining
 counties in North Carolina are descendants of coastal
 North Carolina Indian tribes, principally Cheraw, and

have remained a distinct Indian community since the time of contact with white settlers;

“Whereas the Lumbee Indians have been recognized by the State of North Carolina as an Indian tribe since 1885;

“Whereas the Lumbee Indians have sought Federal recognition as an Indian tribe since 1888; and

“Whereas the Lumbee Indians are entitled to Federal recognition of their status as an Indian tribe and the benefits, privileges, and immunities that accompany such status: Now, therefore,”.

1 SEC. 3. FEDERAL RECOGNITION.

2 The Act of June 7, 1956 (70 Stat. 254), is amended—
3 ed—

4 (1) by striking out the last sentence of the first
5 section; and

6 (2) by striking out section 2 and inserting in
7 lieu thereof the following:

8 “FEDERAL RECOGNITION; ACKNOWLEDGMENT

9 “SEC. 2. (a) Federal recognition is hereby extended
10 to the Lumbee Tribe of Cheraw Indians of North Carolina.
11 All laws and regulations of the United States of general
12 application to Indians and Indian tribes shall apply to the
13 Lumbee Tribe of Cheraw Indians of North Carolina and
14 its members.

15 “(b) Notwithstanding the first section of this Act,
16 any group of Indians in Robeson or adjoining counties
17 whose members are not enrolled in the Lumbee Tribe of

1 Cheraw Indians of North Carolina, as determined under
2 section 4(b), may petition under part 83 of title 25 of the
3 Code of Federal Regulations for acknowledgment of tribal
4 existence.

5 “SERVICES

6 “SEC. 3. (a) The Lumbee Tribe of Cheraw Indians
7 of North Carolina and its members shall be eligible for
8 all services and benefits provided to Indians because of
9 their status as federally recognized Indians, except that
10 members of the tribe shall not be entitled to such services
11 until the appropriation of funds for these purposes. For
12 the purposes of the delivery of such services, those mem-
13 bers of the tribe residing in Robeson and adjoining coun-
14 ties, North Carolina, shall be deemed to be resident on
15 or near an Indian reservation.

16 “(b) Upon verification of a tribal roll under section
17 4 by the Secretary of the Interior, the Secretary of the
18 Interior and the Secretary of Health and Human Services
19 shall develop, in consultation with the Lumbee Tribe of
20 Cheraw Indians of North Carolina, a determination of
21 needs and a budget required to provide services to which
22 the members of the tribe are eligible. The Secretary of
23 the Interior and the Secretary of Health and Human Serv-
24 ices shall each submit a written statement of such needs
25 and budget with the first budget request submitted to the

1 Congress after the fiscal year in which the tribal roll is
2 verified.

3 “(c)(1) The Lumbee Tribe of Cheraw Indians of
4 North Carolina is authorized to plan, conduct, consolidate,
5 and administer programs, services, and functions author-
6 ized under the Act of April 16, 1934 (48 Stat. 596; 25
7 U.S.C. 452, et seq.), and the Act of November 2, 1921
8 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Sny-
9 der Act, pursuant to an annual written funding agreement
10 among the Lumbee Tribe of Cheraw Indians of North
11 Carolina, the Secretary of the Interior, and the Secretary
12 of Health and Human Services, which shall specify—

13 “(A) the services to be provided, the functions
14 to be performed, and the procedures to be used to
15 reallocate funds or modify budget allocations, within
16 any fiscal year; and

17 “(B) the responsibility of the Secretary of the
18 Interior for, and the procedure to be used in, audit-
19 ing the expenditures of the tribe.

20 “(2) The authority provided under this subsection
21 shall be in lieu of the authority provided under the Indian
22 Self-Determination and Education Assistance Act (25
23 U.S.C. 450, et seq.).

24 “(3) Nothing in this subsection shall be construed as
25 affecting, modifying, diminishing, or otherwise impairing

1 the sovereign immunity from lawsuit enjoyed by the
2 Lumbee Tribe of Cheraw Indians of North Carolina or au-
3 thorizing or requiring the termination of any trust respon-
4 sibility of the United States with respect to the tribe.

5 “CONSTITUTION AND MEMBERSHIP

6 “SEC. 4. (a) The Lumbee Tribe of Cheraw Indians
7 of North Carolina shall organize for its common welfare
8 and adopt a constitution and bylaws. Any constitution, by-
9 laws, or amendments to the constitution or bylaws that
10 are adopted by the tribe must be consistent with the terms
11 of this Act and shall take effect only after such documents
12 are filed with the Secretary of the Interior. The Secretary
13 shall assist the tribe in the drafting of a constitution and
14 bylaws, the conduct of an election with respect to such
15 constitution, and the reorganization of the government of
16 the tribe under any such constitution and bylaws.

17 “(b)(1) Until the Lumbee Tribe of Cheraw Indians
18 of North Carolina adopts a constitution and except as pro-
19 vided in paragraph (2), the membership of the tribe shall,
20 subject to review by the Secretary, consist of every individ-
21 ual who is named in the tribal membership roll that is
22 in effect on the date of enactment of this Act.

23 “(2)(A) Before adopting a constitution, the roll of the
24 tribe shall be open for a 180-day period to allow the enroll-
25 ment of any individual previously enrolled in another In-

1 dian group or tribe in Robeson or adjoining counties,
2 North Carolina, who demonstrates that—

3 “(i) the individual is eligible for enrollment in
4 the Lumbee Tribe of Cheraw Indians; and

5 “(ii) the individual has abandoned membership
6 in any other Indian group or tribe.

7 “(B) The Lumbee Tribe of Cheraw Indians of North
8 Carolina shall advertise in newspapers of general distribu-
9 tion in Robeson and adjoining counties, North Carolina,
10 the opening of the tribal roll for the purposes of subpara-
11 graph (A). The advertisement shall specify the enrollment
12 criteria and the deadline for enrollment.

13 “(3) The review of the tribal roll of the Lumbee Tribe
14 of Cheraw Indians of North Carolina shall be limited to
15 verification of compliance with the membership criteria of
16 the tribe as stated in the Lumbee Petition for Federal Ac-
17 knowledgment filed with the Secretary by the tribe on De-
18 cember 17, 1987. The Secretary shall complete his review
19 and verification of the tribal roll within the 12-month pe-
20 riod beginning on the date on which the tribal roll is closed
21 under paragraph (2).

22 “JURISDICTION

23 “SEC. 5. (a)(1) The State of North Carolina shall ex-
24 ercise jurisdiction over—

25 “(A) all criminal offenses that are committed
26 on, and

1 “(B) all civil actions that arise on,
2 lands located within the State of North Carolina that are
3 owned by, or held in trust by the United States for, the
4 Lumbee Tribe of Cheraw Indians of North Carolina, any
5 member of the Lumbee Tribe of Cheraw Indians of North
6 Carolina, or any dependent Indian community of the
7 Lumbee Tribe of Cheraw Indians of North Carolina.

8 “(2) The Secretary of the Interior is authorized to
9 accept on behalf of the United States, after consulting
10 with the Attorney General of the United States, any trans-
11 fer by the State of North Carolina to the United States
12 of any portion of the jurisdiction of the State of North
13 Carolina described in paragraph (1) pursuant to an agree-
14 ment between the Lumbee Tribe of Cheraw Indians and
15 the State of North Carolina. Such transfer of jurisdiction
16 may not take effect until two years after the effective date
17 of such agreement.

18 “(3) The provisions of this subsection shall not affect
19 the application of section 109 of the Indian Child Welfare
20 Act of 1978 (25 U.S.C. 1919).

21 “(b) Section 5 of the Act of June 18, 1934 (Chapter
22 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84
23 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the
24 Lumbee Tribe of Cheraw Indians of North Carolina with

1 respect to lands within the exterior boundaries of Robeson
2 and adjoining counties, North Carolina.

3 “AUTHORIZATION OF APPROPRIATIONS

4 “SEC. 6. (a) There are authorized to be appropriated
5 such funds as may be necessary to carry out this Act.

6 “(b) In the first fiscal year in which funds are appro-
7 priated under this Act, the tribe’s proposals for expendi-
8 tures of such funds shall be submitted to the Select Com-
9 mittee on Indian Affairs of the Senate and the Committee
10 on Natural Resources of the House of Representatives 60
11 calendar days prior to any expenditure of such funds by
12 the tribe.”.

Attest:

Clerk.